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MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-1-

THE WEST VALLEY CITY COUNCIL MET IN STUDY SESSION ON TUESDAY, MAY 20, 2008, AT 4:30 P.M., IN THE MULTI-PURPOSE ROOM, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Joel Coleman
Corey Rushton
Steve Vincent
Mike Winder

Paul Isaac, Acting City Manager
Karon Jensen, Acting City Recorder

STAFF PRESENT:

Jim Welch, Finance Director
Layne Morris, Community Preservation Director
Kevin Astill, Parks and Recreation Director
Russell Willardson, Public Works Director
John Janson, Acting CED Director
Stan Varney, Acting Fire Chief
Nicole Cottle, Acting City Attorney
Steve Lehman, CED Department
Aaron Crim, Administration
Jake Arslanian, Public Works Department

1. CHAD CHRISTMAN, CHAIR – WEST VALLEY CITY EDUCATION ADVISORY COMMITTEE

Mayor Nordfelt stated Chad Christman, Chair of the West Valley City Education Advisory Committee, had been scheduled to review information with members of the City Council.

Chad Christman, Chair of the West Valley City Education Advisory Committee, distributed written information illustrating the address, phone number, zip code, and principals of all elementary, junior high and high schools in West Valley City.

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-2-

The City Council discussed House Bill 118 regarding veterans who had been unable to graduate due to military enlistment and serving in one of the three World Wars. The Council also discussed ideas for the veterans to attain their diplomas. Members of the Council advised the bill would allow an honorary diploma to be awarded to those who had served in any of the World Wars.

The City Council discussed House Bill 125, which would provide forms for in-mail voter registration to help prepare 18 year olds to vote. Members of the Council suggested this could be referred to the Lions Club for a community service project.

Mr. Christman further discussed retaining the phrase “under God” in the Pledge of Allegiance and asked for comments that could be taken back to the Committee.

Upon further discussion by members of the City Council, it was suggested the Committee look at standardized test scores to compare with other schools in the Granite District and, if available, in the State. Mr. Christman responded data was available through the State Office of Education. He also advised he would look further into the other issues mentioned by Council members. Mr. Christman advised testing data was available to schools, but not on an individual basis.

Mayor Nordfelt stated there were two separate issues impacting schools, some District-related and some City-related. Upon discussion, Council members expressed desire for the Education Committee to address safety issues. Some members of the Council expressed concerns the City seemed to have lower numbers graduating from high school, and lower numbers of college students, all of which affected economic development.

The City Council requested the Committee prepare a list of educational priorities, ranking them on a scale from one to five, for further review. Members of the Council discussed their role as being one of “advisory” and stated only the most important issues should be brought to the City Council. Upon further discussion, some members of the Council recommended the Committee obtain educational statistics of comparisons to other schools, including educational performance and data regarding funding being fairly adjudicated and divided.

Mayor Nordfelt summarized the following recommendations for involvement of the Educational Committee:

- House Bill 118 regarding diplomas for veterans
- House Bill 25 to register seniors in high school
- Resolution 3 to keep the words “under God” in the Pledge of Allegiance, and recommendation for preparation of a Council resolution

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-3-

Mr. Christman recognized and introduced the following members of the Education Committee present at the meeting: Terry Bawden, Wendy Bassett, Margaret Peterson, Ted Wimber, Brian Fuller, Sue Christensen, Layne Christensen and Joel Coleman.

2. REVIEW AGENDA FOR REGULAR MEETING SCHEDULED MAY 20, 2008

Acting City Manager, Paul Isaac, stated one new item had been added to the Agenda for the Regular Council Meeting scheduled May 20, 2008, at 6:30 P.M., and he discussed that item, and others, as follows:

Item No. 8. C. – RESOLUTION NO. 08-134, AWARD CONTRACT TO KRISER-WHITE CONSTRUCTION LLC FOR THE 5600 WEST ACCESS TO CENTENNIAL PARK PROJECT

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-134 which would award a contract to Kriser-White Construction LLC in the amount of \$95,514.00, for the 5600 West access to Centennial Park Project.

Mr. Isaac stated competitive bids had been solicited through public advertising and a formal bid opening had been conducted under direction of the City Recorder. He reported four sets of plans had been checked out on the project, and three bids received, as follows:

Bowen Construction	\$135,618.60
Stapp Construction	No Bid
Conexco Construction	\$112,476.00
Kriser-White Construction LLC	\$ 95,514.00
Engineers Estimate	\$ 90,500.00

Acting City Manager, Paul Isaac, stated Kriser-White Construction LLC had submitted the lowest responsible bid.

The Acting City Manager reported a partial access to 5600 West from Centennial Park had been installed when Centennial Park was constructed. Since then the use of the park had grown with need for another access in and out of the park. He advised the Parks and Recreation Department had submitted an application to the Utah Department of Transportation (UDOT) to connect the drive to 5600 West with a right-in/right-out configuration. The permit had not yet been approved, but the Parks and Recreation Department proceeded by preparing the project and soliciting bids. He advised work would commence as soon as the permit was received and the contract signed, weather permitting. He indicated the goal remained to have the access completed and available by the WestFest celebration activities.

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-4-

Parks and Recreation Director, Kevin Astill, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council had no further questions regarding items on the Agenda for the Regular Council Meeting scheduled May 20, 2008, at 6:30 P.M.

3. PUBLIC HEARINGS SCHEDULED MAY 27, 2008:

A. PUBLIC HEARING, APPLICATION NO. Z-5-2008, FILED BY WEST VALLEY CITY, REQUESTING TO AMEND THE ZONING MAP FROM ‘R-1-8’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM 8,000 SQ. FT. LOT SIZE) TO ‘C-2’ (GENERAL COMMERCIAL) FOR PROPERTY LOCATED AT APPROXIMATELY 3327 WEST 3500 SOUTH

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. Z-5-2008 filed, by West Valley City, requesting to amend the Zoning Map from ‘R-1-8’ (Residential, Single-Family, Minimum 8,000 sq. ft. lot size) to ‘C-2’ (General Commercial) for property located at approximately 3327 West 3500 South. He discussed proposed Ordinance No. 08-24 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 08-24, AMEND ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 3327 WEST 3500 SOUTH FROM ZONE ‘R-1-8’ (RESIDENTIAL, SINGLE-FAMILY, MINIMUM 8,000 SQ. FT. LOT SIZE) TO ‘C-2’ (GENERAL COMMERCIAL)

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 08-24 which would amend the Zoning Map to show a change of zone for property located at approximately 3327 West 3500 South from zone ‘R-1-8’ (Residential, Single-Family, Minimum 8,000 sq. ft. lot size) to ‘C-2’ (General Commercial).

Mr. Isaac stated the Utah Department of Transportation (UDOT) had recently purchased the subject property due to impacts of widening of 3500 South planned to begin later this year. He also stated the existing home on the property would be demolished. He indicated, in the opinion of staff, the remaining property, which would be about 46 feet wide, was not practical or desirable for a single-family home lot given the required setbacks for a corner lot and the proximity of the future eight lane road. He indicated after meeting the required side setbacks (assuming a house facing west), only about 16 feet of width would be left on which to build a home.

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-5-

The Acting City Manager reported the owner of the commercial property to the east was interested in purchasing the subject property from UDOT to develop additional parking to help offset UDOT impacts to existing parking. A copy of the concept plan had been provided to the City Council. He indicated if the re-zone application was approved, the owner of the property east of the subject property would need to submit a conditional use amendment application to obtain approval for the amended parking design.

Mr. Isaac stated according to State law, UDOT was not allowed to apply for a zone change on property they acquired. Hence, to facilitate the reuse of the unused UDOT property, staff had initiated the application.

The Acting City Manager further stated UDOT had also acquired the parcel of property directly west of the subject property at 3508 South 3340 West. The owner of the business west of that property was also interested in utilizing the excess UDOT property for parking. He stated the City would likely initiate another re-zone application for the property at that location.

Steve Pastorik, CED Department, further reviewed the Application, displayed a plat map, and answered questions from members of the City Council.

Upon discussion, members of the City Council suggested fencing on both sides of the subject property to provide adequate privacy for the adjacent home. Steve Pastorik, CED Department, stated the fencing issue would be one of the conditions for approval and the applicant would be required to install a masonry wall on both sides, up to Mexican market.

The City Council will hold a public hearing regarding Application No. Z-5-2008 and consider proposed Ordinance No. 08-24 at the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M.

B. PUBLIC HEARING, APPEAL OF PLANNING COMMISSION DENIAL OF APPLICATION NO. GPZ-2-2008, FILED BY FLORENTINO LOPEZ, REQUESTING TO AMEND THE GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO OFFICE; AND TO AMEND THE ZONING MAP FROM 'A' (AGRICULTURE) TO 'RB' (RESIDENTIAL BUSINESS) ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 5187 WEST 3500 SOUTH

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. GPZ-2-2008, filed by Florentino Lopez, requesting to amend the General Plan

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-6-

from Low Density Residential to Office; and to amend the Zoning Map from 'A' (Agriculture) to 'RB' (Residential Business) zone for property located at approximately 5187 West 3500 South. He discussed proposed Ordinance Nos. 08-25 and 08-26 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

ORDINANCE NO. 08-25, AMEND GENERAL PLAN TO SHOW A CHANGE OF LAND USE FROM LOW DENSITY RESIDENTIAL TO OFFICE FOR PROPERTY LOCATED AT APPROXIMATELY 5187 WEST 3500 SOUTH

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 08-25 which would amend the General Plan to show a change of land use from Low Density Residential to Office for property located at approximately 5187 West 3500 South.

ORDINANCE NO. 08-26, AMEND ZONING MAP TO SHOW A CHANGE OF ZONE FOR PROPERTY LOCATED AT APPROXIMATELY 5187 WEST 3500 SOUTH FROM ZONE 'A' (AGRICULTURE) TO RB (RESIDENTIAL BUSINESS) ZONE

Acting City Manager, Paul Isaac, discussed proposed Ordinance No. 08-26 which would amend the Zoning Map to show a change of zone for property located at approximately 5187 West 3500 South from zone A (Agriculture) to 'RB' (Residential Business) zone.

Mr. Isaac stated surrounding zones included 'RB' to the west and 'A' to the north, east, and south. He indicated surrounding land uses included an emissions and office building under construction to the west, single-family homes to the south, east and north on the other side of 3500 South.

Acting City Manager, Paul Isaac, advised the subject property included an 800 square foot home (not including the basement), built in 1927. He stated upon approval of the application, the applicant intended to convert the existing house into an insurance office. A permitted use application would be required to convert the house to an office and develop the needed parking.

Mr. Isaac reported the Planning Commission considered the Application on April 23, 2008, and voted to deny it because the proposed use did not fit the surrounding environment. He indicated the applicant had appealed that decision. He further advised the Council had received a copy of the letter of appeal from the applicant.

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-7-

Steve Pastorik further reviewed the Application, displayed the plat map, and answered questions from members of the City Council.

Upon inquiry by members of the Council regarding access, Steve Pastorik advised UDOT would not give access on 3500 South. He also noted there had been opposition from the property owner located to the south. The Council inquired if the Planning Commission had been concerned primarily because of the opposition from neighbors and Mr. Pastorik confirmed that had been the case. He stated staff felt neighbors in opposition would be less concerned if there was a development agreement in place requiring a masonry wall. He indicated a development agreement could also include any design issues required by the City Council.

The City Council will hold a public hearing regarding Application No. GPZ-2-2008 and consider proposed Ordinance Nos. 08-25 and 08-26 at the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M.

4. **RESOLUTION NO. 08-135, DESIGNATING THE COMMUNITY EDUCATION PARTNERSHIP OF WEST VALLEY CITY, INC. AS THE CORE ORGANIZATION IN WEST VALLEY CITY FOR AFTER-SCHOOL AND OUT-OF-SCHOOL-TIME ACTIVITIES**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-135 which would designate the Community Education Partnership of West Valley City, Inc. as the core organization in West Valley City for after-school and out-of-school-time (OST) activities.

The Acting City Manager explained the Community Education Partnership (CEP) was a 501(C)3 non-profit corporation organized with the mission of providing high quality after-school programs and community events for West Valley City families and students, resulting in increased opportunities for learning.

Mr. Isaac stated it had been requested the City designate the CEP as the core organization for promoting OST programs and after-school programs. He further stated the objectives would be that of communicating, coordinating, and collaborating with other organizations to solicit grants, develop resources, receive funding, assist in the development and implementation of new OST programs, and assist in the enhancement of existing OST programs to provide City-wide opportunities for West Valley City youth and families. He indicated coordination with existing programs and potential new programs would avoid duplication of services and develop programs in underserved areas.

Members of the City Council noted the proposed resolution had been initiated due to issues with the YMCA attempt to acquire CDBG monies. Upon inquiry by members of the City Council, the Acting City Manager advised the City partnered with the YMCA

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-8-

and Granite School District and the CEP encouraged those organizations to work with West Valley City. Upon inquiry by members of the Council regarding any possible conflicts, Acting City Manager, Paul Isaac, responded it would not have any bearing on what the Granite School District would do.

Acting City Manager, Paul Isaac, further discussed the proposed Resolution and answered questions from members of the City Council.

5. **RESOLUTION NO. 08-136, APPROVE COOPERATIVE AGREEMENT WITH UTAH DEPARTMENT OF TRANSPORTATION FOR PRECONSTRUCTION AND CONSTRUCTION REIMBURSEMENT FOR PROJECT STP-0171(13)0, 3500 SOUTH STREETSCAPE**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-136 which would approve a Cooperative Agreement with the Utah Department of Transportation (UDOT) for preconstruction and construction reimbursement for UDOT Project STP-0171(13)0 in the amount of \$364,704.75 regarding the 3500 South Streetscape.

Mr. Isaac stated that in 2001, West Valley City applied for and received \$400,000.00 in Federal Transportation Enhancement Funds to build a sidewalk on the south side of 3500 South from Redwood Road to the Jordan River. Due to various right-of-way constraints, the project had been moved onto the north side of the road. The project scope would include the construction of a new sidewalk, landscaping and sidewalk lighting. He stated the proposed agreement would allow UDOT to advertise the project through their bid procurement system. The local match required would be \$100,000.00. He indicated UDOT required the City deposit the amount of the project estimate that exceeded the programmed funds in the amount of \$364,704.75.

Public Works Director, Russell Willardson, further reviewed the proposed Resolution and answered questions from members of the City Council.

Upon inquiry regarding if the proposal would interfere with the fence at the Compass Condominium development, Public Works Director, Russell Willardson, responded he would follow-up on that issue and provide a response.

The City Council will consider proposed Resolution No. 08-136 at the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M.

6. **RESOLUTION NO. 08-137, APPROVE COOPERATIVE AGREEMENT WITH BETTERMENT BETWEEN WEST VALLEY CITY AND THE UTAH DEPARTMENT OF TRANSPORTATION AND QWEST CORPORATION FOR THE HIGHWAY PROJECT IDENTIFIED AS SP-0171(18)6; 3500 SOUTH BANGERTE HIGHWAY TO 2700 WEST, PHASE II**

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-9-

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-137 which would approve a Cooperative Agreement with Betterment between West Valley City and the Utah Department of Transportation and Qwest Corporation in an amount not to exceed \$14,092.26 for the highway project identified as SP-0171(18)6; 3500 South Bangerter Highway to 2700 West, Phase II.

Mr. Isaac explained the proposal would be a three party cooperative participation agreement with Qwest Corporation and the Utah Department of Transportation (UDOT), for the relocation of utilities involved in construction of a highway project on 3500 South from Bangerter Highway to 2700 West.

The Acting City Manager reported as part of the UDOT Highway Project on 3500 South, and as requested by West Valley City, UDOT had agreed to bury the existing overhead utility lines. He stated UDOT and Qwest each paid one half of the cost to relocate the poles. He indicated the City would agree to pay the difference between what it would cost to relocate the poles and to bury the overhead utility lines. He stated the total cost to bury the utility lines would be \$417,928.96, and the portion to be paid by West Valley City would be 3.4% of that amount, or \$14,092.26. He stated a similar agreement had already been executed with Rocky Mountain Power to bury their overhead facilities along that same project.

Public Works Director, Russell Willardson, further discussed the proposed Resolution and answered questions from members of the City Council.

Upon inquiry regarding the source of funding, the Public Works Director advised the source of funding would be through the City's General Fund.

The City Council will consider proposed Resolution No. 08-137 at the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M.

7. **RESOLUTION NO. 08-138, AWARD CONTRACT TO UTAH WESTERN ROOFING FOR REPLACEMENT OF THE ROOF AT THE PUBLIC WORKS OPERATIONS FACILITY**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-138 which would award a contract to Utah Western Roofing in the amount of \$50,872.00 for replacement of the roof at the Public Works operations facility.

Mr. Isaac stated the subject roof had outlived its normal life span, having been installed approximately 35 years ago. He advised that for many years it had been patched and repaired making it finally necessary to initiate replacement. He recommended the existing tar and gravel roof be replaced with a PTO membrane roof, the norm for commercial

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-10-

buildings. He stated this type of roof would provide easier upkeep, maintenance and repair.

The Acting City Manager stated four bids had been received from contractors proficient in membrane PTO roofing installation, as follows: 1) Utah Western Roofing: \$50,872.00; 2) Broken Arrow: \$51,550.00; 3) Shaw Roofing: \$52,740.00; and 4) Ron Case: \$71,400.00. Mr. Isaac reported the total amount shown for the proposed winning bid included a 60 Mil Option added amount of \$3,825.00.

Mr. Isaac stated Utah Western Roofing had submitted the lowest responsible bid which included a warranty on parts and labor, and the 60 mil option pricing. He also recommended the City install the 60 mil PTO membrane on the roof.

Public Works Director, Russell Willardson, further reviewed the proposed Resolution and answered questions from members of the City Council.

The City Council will consider proposed Resolution No. 08-138 at the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M.

8. NEW BUSINESS SCHEDULED MAY 27, 2008:

A. APPLICATION NO. S-1-2008, FILED BY JOE COLOSIMO, REQUESTING FINAL PLAT APPROVAL FOR RUSHTON HEIGHTS SUBDIVISION LOCATED AT 3878 SOUTH 5200 WEST

Acting City Manager, Paul Isaac, discussed Application No. S-1-2008, filed by Joe Colosimo, requesting final plat approval for Rushton Heights Subdivision located at 3878 South 5200 West.

Mr. Isaac stated the proposed subdivision would consist of eight lots on 2.4 acres, equating to an overall density of 3.3 units per acre.

The Acting City Manager indicated that prior to the Planning Commission's review of the application, the developer received two variances from the Board of Adjustment regarding Lots 4 and 5. The required frontage in the 'R-1-8' zone was 80 feet. Due to surrounding development and the narrow width of the property, the Board granted the variance. He stated a flag lot had been proposed to make use of the unique property configuration.

Mr. Isaac reported access to the subdivision would be gained from 5200 West and from a stub street in the Amber Subdivision to the north. The developer would extend 5260 West to the south to provide access as future vacant land developed. The developer would be required to install all improvements where needed and as approved by the Public Works Department.

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-11-

The Acting City Manager indicated due to the length of 5260 West, a turnaround would be needed for the Fire Department. In past developments, the Fire Department had allowed a turnaround to be located in residential driveways. In this case, and because there were two flag lots essentially in the middle of both developments, the Planning Commission recommended the turnaround be located in the stem portion of each flag lot. As the minimum width of the stem was 20 feet, this would meet with the Fire Department requirements.

Mr. Isaac stated subdividing the property would abandon an existing 25 foot access easement running along the south boundary of the Amber Subdivision to the north. He also stated the access easement ran parallel to, and encroached upon, the Amber Subdivision by 12.5 feet. The access easement had been used for many years to provide access to two single-family dwellings at the west end of the proposed subdivision. This access easement extended the length of the entire property from 5200 West. He stated removal of this easement would now provide owners of the Amber Subdivision the opportunity to fence their entire lot including the 12.5 feet previously used for this easement.

Steve Lehman, CED Department, further reviewed the Application, displayed a plat map, and answered questions by members of the City Council.

The City Council will consider Application No. S-1-2008 at the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M.

B. APPLICATION NO. S-6-2008, FILED BY THAD BANGERTER, REQUESTING FINAL PLAT APPROVAL FOR BANGERTER ACRES SUBDIVISION LOCATED AT 3290 SOUTH 6400 WEST

Acting City Manager, Paul Isaac, discussed Application No. S-6-2008, filed by Thad Bangerter, requesting final plat approval for Bangerter Acres Subdivision located at 3290 South 6400 West.

Mr. Isaac stated the proposed subdivision consisted of five lots on 7.5 acres. He also stated the majority of the subdivision had been zoned 'A,' while Lots 3 and 4 were zoned 'R-1-8.'

The Acting City Manager reported access to the subdivision would be gained from 6400 West and from an existing stub street in the Sharal Park Subdivision to the north. He indicated the City's Engineering Division recommended both rights-of-way be dedicated and improved with curb, gutter and sidewalk.

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-12-

Mr. Isaac stated the applicant would be required to coordinate various improvements pursuant to Fire Department requirements. He further stated a fire hydrant would need to be located within 250 feet of all new dwellings. A new hydrant had been planned to serve Lots 1 and 2 and would be located on 6400 West. He advised an existing hydrant located on 3270 South would satisfy the demand for Lots 3 and 4.

The Acting City Manager indicated the developer had proposed creating two separate turnaround areas for emergency vehicles. He stated one would be located at the west end of Lot 2 and one to the south of Lots 3 and 4. He stated, after discussions with the Fire Inspector, the developer proposed the south turnaround not be installed at the end of Lots 3 and 4, based on the relatively short distance of 6535 West and that the road would one day connect with future development to the south.

Mr. Isaac stated there were a number of irrigation ditches related to the subject property and development of the subdivision would require a number of those ditches be piped. He advised the developer would need to make sure all irrigation water used by down stream users would continue to be provided. He stated the developer would be required to coordinate this matter with the Public Works Department and any water users in the area.

Steve Lehman, CED Department, further reviewed the Application, displayed the plat map, and answered questions from members of the City Council. Mr. Lehman advised the re-zone of the subject property had been reviewed and approved by the City Council several weeks ago.

The City Council will consider Application No. S-6-2008 at the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M.

C. APPLICATION NO. S-9-2008, FILED BY MICHAEL NEIDER, REQUESTING FINAL PLAT APPROVAL FOR PRINTERS ROW CONDOMINIUMS LOCATED AT 1780 WEST PRINTERS ROW

Acting City Manager, Paul Isaac, discussed Application No. S-9-2008, filed by Michael Neider, requesting final plat approval for Printers Row Condominiums located at 1780 West Printers Row.

Mr. Isaac stated the applicant had requested approval for an industrial condominium plat consisting of one building with four individual units. He also stated definition of a condominium was the ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property.

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-13-

The Acting City Manager advised the purpose for the condominium plat was to allow the applicant an opportunity to divide the building into quadrants. Each would then be sold to individual businesses. He indicated all interior parking spaces, landscaping and common areas would be held in common ownership. The applicant would be required to record a declaration of condominium and CCR's which would address maintenance of the building and property.

Mr. Isaac reported the existing site received conditional use approval from Salt Lake County in November of 1973. He stated, at the present time, the property was developed including right-of-way improvements, and all interior parking and landscaping areas had been improved as part of the original site plan.

The Acting City Manager stated Title 9 of the West Valley City Code provided for condominium conversions. He indicated although somewhat different than a residential application, many of the same requirements would apply to this proposal. He stated the applicant had worked with staff and other agencies to meet those requirements.

Steve Lehman, CED Department, further reviewed the Application, displayed the plat map, and answered questions from members of the City Council.

Upon inquiry by members of the City Council, Steve Lehman, CED Department, advised that each quadrant would have separate utility meters.

The City Council will consider Application No. S-9-2008 at the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M.

9. **CONSENT AGENDA SCHEDULED MAY 27, 2008:**

A. **RESOLUTION NO. 08-139, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM RODGER AND LAURA THACKERAY FOR PROPERTY LOCATED AT 3560 SOUTH 2200 WEST, 2200 WEST SIDEWALK PROJECT**

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-139 which would accept a Grant of Temporary Construction Easement from Rodger and Laura Thackeray for property located at 3560 South 2200 West regarding the 2200 West Sidewalk Project.

Mr. Isaac stated Rodger and Laura Thackeray had signed the Grant of Temporary Construction Easement.

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-14-

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the aforementioned project. He advised the owner had agreed to provide the easement to allow the City's contractor to enter onto a portion of their property to perform a tie-in to their property. He stated improvements in front of the property would include construction of a five foot park strip, a four foot wide sidewalk, and restoration of landscaping. He further reported construction of the improvements would be within the existing 2200 West right-of-way. He advised the easement would automatically expire December 31, 2008.

B. RESOLUTION NO. 08-140, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JARED HAYES FOR PROPERTY LOCATED AT 3664 SOUTH 2200 WEST, 2200 WEST SIDEWALK PROJECT

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-140 which would accept a Grant of Temporary Construction Easement from Jared Hayes for property located at 3664 South 2200 West regarding the 2200 West Sidewalk Project.

Mr. Isaac stated Jared Hayes had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the aforementioned project. He advised the owner had agreed to provide the easement to allow the City's contractor to enter onto a portion of their property to perform a tie-in to their property. He stated improvements in front of the property would include construction of a five foot park strip, a four foot wide sidewalk, and restoration of landscaping. He further reported construction of the improvements would be within the existing 2200 West right-of-way. He advised the easement would automatically expire December 31, 2008.

C. RESOLUTION NO. 08-141, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BANDITH BOUASENG AND ANDREW AND PHOUNIN KONESAVANH FOR PROPERTY LOCATED AT 3650 SOUTH 2203 WEST, 2200 WEST SIDEWALK PROJECT

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-141 which would accept a Grant of Temporary Construction Easement from Bandith Bouaseng and Andrew and Phounin Konesavanh for property located at 3650 South 2203 West regarding the 2200 West Sidewalk Project.

DRAFT

DRAFT

MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-15-

Mr. Isaac stated Bandith Bouaseng and Andrew and Phounin Konesavanh had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the aforementioned project. He advised the owner had agreed to provide the easement to allow the City's contractor to enter onto a portion of their property to perform a tie-in to their property. He stated improvements in front of the property would include construction of a five foot park strip, a four foot wide sidewalk, and restoration of landscaping. He further reported construction of the improvements would be within the existing 2200 West right-of-way. He advised the easement would automatically expire December 31, 2008.

D. RESOLUTION NO. 08-142, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM VERL LEROY ROSE FOR PROPERTY LOCATED AT 3550 SOUTH 2200 WEST, 2200 WEST SIDEWALK PROJECT

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-142 which would accept a Grant of Temporary Construction Easement from Verl Leroy Rose for property located at 3550 South 2200 West regarding the 2200 West Sidewalk Project.

Mr. Isaac stated Verl Leroy Rose had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the aforementioned project. He advised the owner had agreed to provide the easement to allow the City's contractor to enter onto a portion of their property to perform a tie-in to their property. He stated improvements in front of the property would include construction of a five foot park strip, a four foot wide sidewalk, and restoration of landscaping. He further reported construction of the improvements would be within the existing 2200 West right-of-way. He advised the easement would automatically expire December 31, 2008.

E. RESOLUTION NO. 08-143, ACCEPT GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JEANINE W. ANDREWS, TRUSTEE OF THE FAMILY PORTION OF THE LEONARD F. WENDEL FAMILY REVOCABLE TRUST FOR PROPERTY LOCATED AT 3629 SOUTH 2200 WEST, 2200 WEST SIDEWALK PROJECT

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-143 which would accept a Grant of Temporary Construction Easement from Jeanine

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MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-16-

W. Andrews, Trustee of the Family Portion of the Leonard F. Wendel Family Revocable Trust, for property located at 3629 South 2200 West regarding the 2200 West Sidewalk Project.

Mr. Isaac stated Jeanine W. Andrews, Trustee of the Family Portion of the Leonard F. Wendel Family Revocable Trust, had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the aforementioned project. He advised the owner had agreed to provide the easement to allow the City's contractor to enter onto a portion of their property to perform a tie-in to their property. He stated improvements in front of the property would include construction of a five foot park strip, a four foot wide sidewalk, and restoration of landscaping. He further reported construction of the improvements would be within the existing 2200 West right-of-way. He advised the easement would automatically expire December 31, 2008.

F. RESOLUTION NO. 08-144, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM JUAN ANTONIO AND ANA GABRIELA LOPEZ FOR PROPERTY LOCATED AT 3640 SOUTH 2200 WEST, 2200 WEST SIDEWALK PROJECT

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-144 which would accept a Grant of Temporary Construction Easement from Juan Antonio and Ana Gabriela Lopez for property located at 3640 South 2200 West regarding the 2200 West Sidewalk Project.

Mr. Isaac stated Juan Antonio and Ana Gabriela Lopez had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the aforementioned project. He advised the owner had agreed to provide the easement to allow the City's contractor to enter onto a portion of their property to perform a tie-in to their property. He stated improvements in front of the property would include construction of a five foot park strip, a four foot wide sidewalk, and restoration of landscaping. He further reported construction of the improvements would be within the existing 2200 West right-of-way. He advised the easement would automatically expire December 31, 2008.

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MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-17-

G. RESOLUTION NO. 08-145, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM BRET AND RONIE HOLMES FOR PROPERTY LOCATED AT 3616 SOUTH 2200 WEST, 2200 WEST SIDEWALK PROJECT

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-145 which would accept a Grant of Temporary Construction Easement from Bret and Ronie Holmes for property located at 3616 South 2200 West regarding the 2200 West Sidewalk Project.

Mr. Isaac stated Bret and Ronie Holmes had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the aforementioned project. He advised the owner had agreed to provide the easement to allow the City's contractor to enter onto a portion of their property to perform a tie-in to their property. He stated improvements in front of the property would include construction of a five foot park strip, a four foot wide sidewalk, and restoration of landscaping. He further reported construction of the improvements would be within the existing 2200 West right-of-way. He advised the easement would automatically expire December 31, 2008.

H. RESOLUTION NO. 08-146, ACCEPT A GRANT OF TEMPORARY EASEMENT FROM HAROLD AUGUST LEHMAN AND MARGITTA D. LEHMAN FOR PROPERTY LOCATED AT 3690 SOUTH 2200 WEST, 2200 WEST SIDEWALK PROJECT

Acting City Manager, Paul Isaac, discussed proposed Resolution No. 08-146 which would accept a Grant of Temporary Construction Easement from Harold August Lehman and Margitta D. Lehman for property located at 3690 South 2200 West regarding the 2200 West Sidewalk Project.

Mr. Isaac stated Harold August Lehman and Margitta D. Lehman had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected and benefited by construction of the aforementioned project. He advised the owner had agreed to provide the easement to allow the City's contractor to enter onto a portion of their property to perform a tie-in to their property. He stated improvements in front of the property would include construction of a five foot park strip, a four foot wide sidewalk, and restoration of landscaping. He further reported construction of the improvements would be within the existing

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MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-18-

2200 West right-of-way. He advised the easement would automatically expire December 31, 2008.

The City Council will consider proposed Resolution Nos. 08-139 through 08-146 at the Regular Council Meeting scheduled May 27, 2008, at 6:30 P.M.

10. COMMUNICATIONS:

A. COUNCIL UPDATE

Acting City Manager, Paul Isaac, stated the Council had previously received a Memorandum outlining upcoming meetings and events as follows: May 22, 2008: ChamberWest General Membership Meeting, Topic – Utah Indoor Clean Air Act, Crystal Inn, 2254 W. City Center Court, 11:45 A.M.; May 26, 2008: Memorial Day Holiday – City Hall closed; May 27, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 3, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 6, 2008: ChamberWest Golf Classic, West Ridge Golf Course; June 10, 2008: Council Study Meeting at UCCC, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 17, 2008: Council Study Meeting at UCCC, 4:30 P.M.; Regular Council Meeting, 6:30 P.M.; June 24, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; June 26-28, 2008: WestFest, Centennial Park; June 28, 2008: WestFest 5k Run/Walk; July 1, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 4, 2008: Independence Day Holiday – City Hall closed; July 8, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 15, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 19, 2008: West Valley Walking Tour 2008 at Lake Park Trail System, 8:00 A.M.; July 22, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; July 24, 2008: Pioneer Day Holiday – City Hall closed; August 4, 2008: Neighborhood Nights Kick Off Event, UCCC, 5:00 P.M. – 7:00 P.M.; August 5, 2008: Council Meetings – canceled; August 5, 2008: National Night Out Block Parties, Various Locations, 6:00 P.M. – 10:00 P.M.; August 7, 2008: Mid-year Strategic Plan Update (Special Study Meeting), Multi-purpose Room, 4:00 P.M.; August 11, 2008: West Valley City Police Department's Honorary Colonels 11th Annual Colonels Cup Golf Tournament, Stonebridge Golf Course, 7:30 A.M.; August 12, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 16, 2008: West Valley Walking Tour 2008 – Night Walk at West Ridge Golf Course, 10:00 P.M.; August 18, 2008: Neighborhood Nights: Family Safety Fair, Family Fitness Center, 5:00 P.M. – 7:00 P.M.; August 19, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; August 26, 2008: Council Study Meeting, 4:30 P.M., Regular Council Meeting, 6:30 P.M.; September 1, 2008: Labor Day Holiday – City Hall closed; September 20, 2008: West Valley Walking Tour 2008 at Decker lake Trail, 8:00 A.M.; October 11, 2008: West

DRAFT

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MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-19-

Valley Walking Tour 2008 – Hunter Village and Sugar Plum Trails, 8:00 A.M.; November 22, 2008: Turkey Trot 5k Run/Walk at Centennial Park; and December 1, 2008: Walk with Santa at Centennial Park, 6:00 P.M.

B. INFORMATION REGARDING SIDEWALK AND FENCING NEAR LIGHT RAIL ON 2700 WEST FROM 3100 SOUTH TO 3500 SOUTH

John Janson, Acting CED Director, discussed issues regarding sidewalk and fencing near light rail on 2700 West from 3100 South to 3500 South. He stated the sidewalk to the east and north of 3360 South had been eliminated. He reported he had spoken with Utah Transit Authority (UTA) representatives and had presented a slide show regarding the fencing issues.

Utilizing PowerPoint, Mr. Janson displayed the slide show and discussed those fencing issues summarized as follows:

Fencing Issues

- Over half of the existing fences in this section will be taken down.
- We lose the existing landscaping/trail on the sides. Lanes will be closer to the property lines. High traffic volumes now and we will be adding thousands of transit riders too.
- Backyards and fences not consistently maintained.
- Existing fences are a combination of chain link (often covered in vines), wood, some chain link with slats, and a few concrete walls.
- UTA policy is to reimburse the owner for the value of the existing fence in its current condition and not replacement value.

Why Trex?

- Less than half the price of concrete.
- Can withstand 110 mph wind loads; very strong.
- Extreme weather resistance; some fading.
- Orem company has used it next to a street at the south of Little Cottonwood Canyon.
- Green product.
- Graffiti removal; solvent and/or sanding.

Estimated Costs

- No additional row purchases (assumption).
- Possible relocation of some structures and demolition of fences: \$50,000.
- Trex Fencing – 4400 ft. at \$45 per foot: \$200,000.
- Gates (probably steel, but may offer to buy access) – 19 at \$1200 each: \$23,000.
- Design (8%) and contingency (20%): \$77,000.

DRAFT

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MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-20-

- Total estimate: \$350,000

Cost sharing with UTA

- Although not determined yet, UTA feels some responsibility for the fencing where curb is adjacent to the fence.
- We believe that situation will cause the existing fences to fail as snow is thrown and piled against the fences.
- Mutually working on a solution.

Process

- Council decision to fund or at least direct staff to continue to pursue
- Contact property owners to inform and obtain a construction easement – letters, open house style meetings, individual property owner meetings; need to complete this within 3 months
- Expect to pay for tie – ins (perpendicular fences)
- Can expect some reluctant owners and may need to jog fence into the right-of-way

Acting City Manager, Paul Isaac, stated there were residents in attendance who had expressed interest in these issues and Mayor Nordfelt invited those in attendance to speak, as follows:

Ms. Neila Bennett stated she lived two houses down from the Clark's old residence. She also stated fencing was down and there was a meth lab next door. She indicated those neighbors took the fence down when they were exiting the house when police had come to the home. She expressed concern and noted she had a problem because half of her back yard fence was being removed and she owned a Great Dane that had to be protected. She also noted the problem was that all of the trucks moving would be very noisy. Ms. Bennett stated she believed the trucks should not have to go down 2700 West. She stated she would have gas exhaust, Jake brakes, and the air quality would not be breathable which would all be 40 feet from her back door.

Upon discussion, members of the Council expressed favor in replacing the fencing with Trex materials. The Council also indicated they would be comfortable in continuing negotiations with UTA regarding financial responsibility so that these property owners would not have to bear the costs.

11. COUNCIL REPORTS:

A. COUNCILMEMBER JOEL COLEMAN – E-MAIL FROM RESIDENT REGARDING EXCESSIVE NOISE FROM CARS AND TRUCKS

Councilmember Coleman advised he was in receipt of an e-mail from a resident who lived by Westlake Jr. High School expressing concern about excessive noise

DRAFT

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MINUTES OF COUNCIL STUDY MEETING – MAY 20, 2008

-21-

from cars and trucks driving by with loud, thumping speaker bases. He stated the residents felt it was getting to be “unbelievable” in his neighborhood.

Upon discussion, members of the Council acknowledged there was a County ordinance banning loud speakers within 50 feet of a residence and noted it was very difficult to enforce. Upon further discussion, the City Council suggested review of the City’s existing noise ordinance and Acting City Manager, Paul Isaac, stated he would follow-up regarding the Council’s direction.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE STUDY MEETING OF TUESDAY, MAY 20, 2008, WAS ADJOURNED AT 6:30 P.M., BY MAYOR NORDFELT.

I hereby certify the foregoing to be a true, accurate and complete record of the proceedings of the Study Meeting of the West Valley City Council held May 20, 2008.

Karon Jensen
Acting City Recorder

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